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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,962	03/24/2004	Masayoshi Shinhamra	44471/298742	4093
23370	7590	08/11/2005		
JOHN S. PRATT, ESQ			EXAMINER	
KILPATRICK STOCKTON, LLP			DUONG, THO V	
1100 PEACHTREE STREET				ART UNIT
ATLANTA, GA 30309				PAPER NUMBER
			3743	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8P

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/807,962	SHINHAMA, MASAYOSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tho v. Duong	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) 4,6 and 7 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,5 and 8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

Receipt of applicant's amendment filed 5/9/2005 is acknowledged. Claims 1-2 and 4-8 are pending. Claim 4 and 6-7 remain withdrawn from further consideration.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuo et al. (JP 10103893A). Matsuo discloses (figures 2 and 6-7) a heat exchanger assembly comprising a smaller condenser (1) configured to condense a refrigerant by an air flow for a vehicle conditioner; a larger radiator (20) configured to cool an engine coolant; a heat exchanger tubes (5,35) arranged side by side with each other; outer fins (6) interposed between neighboring heat exchanger tubes; and header pipes (7,11,21 and 22) connecting and communicating with both ends of the heat exchanger tubes; a side plate (31) are fixed to ends of the radiator and the condenser; and a reservoir (3) in communication with the header pipe (11) and being fixed to both the header tank (11) and a further header pipe (21) of the radiator by a means (25). The

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condenser has an intake to introduce airflow (A) and the reservoir (3) can be located at the back of the intake since an attaching portion of the reservoir is located at the back of the intake at (25).

Claims 1-2,5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (JP 11153395A). Watanabe discloses (figures 10,12) a vehicle heat exchanger comprising a larger size radiator (1); a smaller size condenser (2); an airflow circulates from the condenser to the radiator; heat exchangers tubes (4) arranged side by sides with each other; outer fins (5) interposed between neighboring heat exchanger tubes; header pipes (56,57) connecting and communicating with both ends of the heat exchanger tubes; a reservoir (80) is fixed to the header pipe (57) of the radiator; the reservoir (80) is located at the back of the condenser, wherein the air flow is introduced to the intake of the condenser.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 4,909,046). Johnson discloses (figure 1 and column 3, lines 1-4) a heat exchanger assembly comprising a condenser (7) configured to introduce an air flow from an intake and configured to condense a refrigerant of a vehicle air-conditioning by the air flow; a radiator (8) located at the back of the condenser (7) in a direction of the air flow and configured to cool an engine coolant by the air flow; and a reservoir (13) fixed to the side of the radiator and located back from the intake of the condenser for serving the refrigerant condensed by the condenser.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. in view of Nishishita (US 6,273,184). Watanabe substantially discloses all of applicant's claimed invention as discussed above except for the limitation that the ends of each heat exchanger are fixed by a side plate. Nishishita discloses (figure 2 and column 6, lines 47-50) that a duplex heat exchanger including a radiator and a condenser having ends connected to each other by a common side plate (20) for the purpose of integrating the condenser and the radiator into a single unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Nishishita's teaching in Watanabe's heat exchanger for the purpose of integrating the radiator and the condenser into a single unit.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F (first Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennet can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tho v Duong  
Primary Examiner  
Art Unit 3743



TD  
July 21, 2005